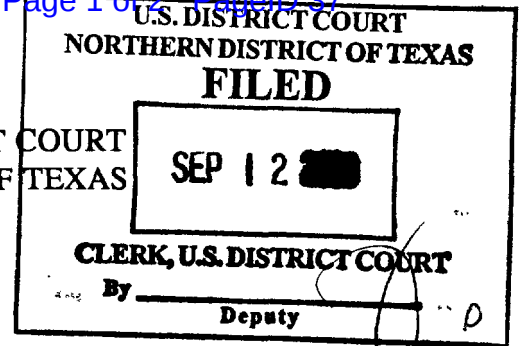


IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION



JAMAL ELHAJ-CHEHADE,

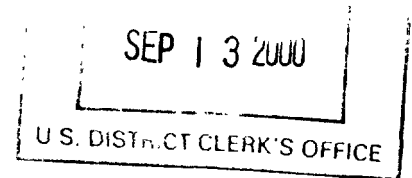
Plaintiff,

V.

THE EDUCATIONAL COMMISSION
FOR FOREIGN MEDICAL GRADUATES,
a/k/a ECFMG or ECFMG/USMLE
(Entities and Individuals),

Defendants.

Civil No. 3:99-CV-0680-BC



ORDER

Before the Court are Plaintiff's Motions to "Consolidate the Proceedings" and to "Dissolve the Defendants Operations and Existence," filed July 10, 2000, and Plaintiff's Motion of This Case Proceeding As a Mistrial, filed July 24, 2000. In effect, the plaintiff is requesting in both motions that this Court consolidate this case with another case styled *Elhaj-Chehade v. University of Texas Southwestern Medical Center at Dallas*, Civ. A. No. 3:98-CV-1622-P, which is currently on appeal to the Fifth Circuit.* See Pl.'s Mots. at 1.


Except under limited circumstances not applicable here, when a case is appealed to the court of appeals, "[the] district court is divested of jurisdiction upon the filing of the notice of appeal with respect to any matters involved in the appeal." *Henry v. Indep. American Sav. Ass'n*, 857 F.2d 995, 997 (5th Cir. 1988)(citations omitted). This Court, therefore, has no jurisdiction over Civil Action No. 3:98-CV-1622-P such that it can be consolidated with the

* Prior to the appeal, the District Court consolidated Civil Action No. 3:98-CV-1622-P with a third case styled *Elhaj-Chehade v. University of Texas Soutwestern Medical Center at Dallas, et al.*, Civ. A. No. 3:99-CV-0455-L. See Order, filed April 26, 1999.

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instant case. Furthermore, under Fed. R. Civ. P. 42(a), this Court may consolidate cases only if they involve common questions of law or fact and “are pending before the court.” **Fed. R. Civ. P. 42(a).** Because Civil Action No. 3:98-CV-1622-P is not pending before this Court, it cannot be consolidated with this case. *See Ornelas v. Erapmus, Inc.*, No. Civ. A. 3:98-CV-0966-H, 1999 WL 222353 at *1 (N.D. Tex. Apr. 12, 1999)(Sanders, J.). Accordingly, the plaintiff’s motions are **DENIED**. Additionally, the plaintiff’s request that this Court “dissolve the defendants operations and existence” is **DENIED** as frivolous.

SO ORDERED, September 12, 2000.



JANE J. BOYLE
UNITED STATES MAGISTRATE JUDGE